

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION
NO. 04-11924-RGS**

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IAN J. BROWN, JAMES BROWN and)
BARBARA BROWN,)
Plaintiffs)
)
v.)
)
UNITED STATES OF AMERICA,)
VERIZON NEW ENGLAND, INC. and)
BOSTON EDISON COMPANY d/b/a NSTAR)
Electric,)
)
Defendants)
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**BOSTON EDISON'S MOTION FOR LEAVE TO FILE A REPLY BRIEF IN
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 7.1 (B)(3), Defendant, Boston Edison Company, hereby moves for leave to file the attached Proposed Reply Brief in Further Support of its Motion for Summary Judgment and Proposed Response to Plaintiffs' Statement of Additional Material Facts.

Boston Edison contends a Reply Brief is necessary to clarify the application of legal authorities cited by Plaintiffs in their Opposition. Boston Edison requires a Reply Brief to address certain arguments and admissions made by Plaintiffs in their Opposition.

A further discussion of the Statute of Repose will also assist the Court in its deliberations, narrow the issues, and focus the Court on the portions of the parties' submission relevant to Boston Edison's Motion for Summary Judgment.

In further support of the within motion, Boston Edison states on April 30, 2007, Michael Callahan, counsel for the Defendant Boston Edison Company, was admitted on an emergency basis to Massachusetts General Hospital for treatment of an unexpected medical condition and remained at Mass General Hospital through May 4, 2007. Mr. Callahan only recently returned to the office on a full time basis on Monday, May 21, 2007. Boston Edison anticipated filing its Reply Brief earlier but due to Attorney Callahan's hospitalization and delayed return to work, it was unable to do so.

Respectfully submitted,
BOSTON EDISON COMPANY,
By its attorneys,

/s/ Michael K. Callahan

/s/ Marissa A. Goldberg

Michael K. Callahan

BBO #546660

Marissa A. Goldberg

BBO #654506

NSTAR Electric & Gas Corporation

800 Boylston Street, 17th Floor

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CERTIFICATE PURSUANT TO RULE 7.1

We, Michael K. Callahan and Marissa A. Goldberg, herby certify that on April 30, 2007 and May 21, 2007 we conferred with all counsel of record in a good faith attempt to resolve or narrow the issues raised by the instant motion.

/s/ Michael K. Callahan

/s/ Marissa A. Goldberg

Michael K. Callahan (BBO #546660)

Marissa A. Goldberg (BBO #654506)

CERTIFICATE OF SERVICE

I hereby certify the foregoing Motion together with all accompanying documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on May 23, 2007.

/s/ Michael K. Callahan

/s/ Marissa A. Goldberg

Michael K. Callahan (BBO #546660)

Marissa A. Goldberg (BBO #654506)